

REMARKS/ARGUMENTS

Claims 1, 4-6, 8-10, 13-15, 17-19, 22-24, 26 and 27 are pending in the present application. In the Office Action dated April 14, 2008 (hereinafter, "Office Action"), claims 19, 22-24, 26 and 27 were rejected under 35 U.S.C. § 101. All pending claims were rejected under 35 U.S.C. § 102(b). By this paper, claims 1, 10, 19, 22-24 and 26-27 are being amended.

Applicant respectfully responds to the Office Action.

A. Claims 19, 22-24, 26 and 27 Rejected Under 35 U.S.C. § 101

Claims 19, 22-24, 26 and 27 are rejected under 35 U.S.C. § 101. Applicant respectfully traverses.

The Examiner states: "The claims may be directed towards software only." (Office Action, page 2) In support of this assertion, the Examiner refers to paragraph [0030] of Applicant's specification. By this paper, this portion of Applicant's specification has been amended to recite "computer software stored on a computer-readable medium."

The Examiner also states: "Applicant's Instant specification does not indicate what the computer-readable medium is." (Office Action, page 2) Applicant respectfully submits that the term "computer-readable medium" should be interpreted in accordance with its ordinary meaning, i.e., a medium that can be used to store instructions or data structures and that can be accessed by a computer. Examples of computer-readable media include RAM, ROM, EEPROM, CD-ROM or other optical disk storage, magnetic disk storage or other magnetic storage devices, etc.

For at least the foregoing reasons, Applicant respectfully submits that claims 19, 22-24, 26 and 27 are fully in compliance with 35 U.S.C. § 101. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn.

B. Claims 1, 4-6, 8-10, 13-15, 17-19, 22-24, 26 and 27 Rejected Under 35 U.S.C. § 102(b)

Claims 1, 4-6, 8-10, 13-15, 17-19, 22-24, 26 and 27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2005/0033850 to Kirkland

(hereinafter, “Kirkland”). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claim 1 will be discussed initially. Applicant respectfully submits that claim 1 is patentably distinct from Kirkland. Kirkland does not disclose all of the subject matter of amended claim 1.

Claim 1 relates to the situation where a “Universal Plug and Play (UPnP) server system” comprises multiple “stream access identifiers” that “identify different media data streams corresponding to ... media content.” Included among these “stream access identifiers” are “a first stream identifier that identifies an original media data stream” and a “second stream identifier that identifies a non-original media data stream.” Claim 1 defines an “original media data stream” as one that is “streamed from the server system without transcoding or protocol translation being performed.” Claim 1 is directed to a method for “distinguishing between an original format of the media content” (i.e., corresponding to the “original media data stream”) and a “non-original format of the media content” (i.e., corresponding to the “non-original media data stream”).

The subject matter of Kirkland is significantly different than the subject matter of claim 1. Kirkland relates to “a personal on-demand media streaming system and method.” (Kirkland, paragraph [0002]) However, Kirkland does not attempt to solve the same problem as claim 1, namely “distinguishing between an original format of ... media content and a non-original format of the media content,” as recited in claim 1.

Kirkland refers to a client device being able “to access media in their original format from remote locations ... as streaming data.” (Kirkland, paragraph [0100]) Thus, Kirkland describes making an original data stream available to a client device. However, Kirkland does not discuss the situation where there are “different media data streams corresponding to ... media content,” including both an “original media data stream” and also a “non-original media data stream.” This problem is simply not addressed by Kirkland.

The Examiner asserts that the “stream access identifiers” recited in claim 1 are disclosed by paragraph [0016] of Kirkland. (Office Action, page 3) Applicant respectfully disagrees. This portion of Kirkland refers to a “session identifier for the session established between the remote device and the on-demand media streaming server.” Thus, as best understood, it appears as though the Examiner is asserting that the session identifier referred to by Kirkland is a “stream access identifier” as recited in claim 1. Even if this assertion were correct (which Applicant does not concede), Kirkland still does not disclose the claimed subject matter at issue. Claim 1 recites multiple “stream access identifiers,” including “a first stream identifier that identifies an original media data stream” and “a second stream identifier that identifies a non-original media data stream.” Even if the session identifier referred to by Kirkland were interpreted as a “stream access identifier,” Kirkland certainly does not disclose both types of “stream access identifiers” that are recited in claim 1. As indicated above, Kirkland does not attempt to solve the same problem as claim 1.

The Examiner also refers to paragraph [0075] of Kirkland. (Office Action, pages 3-4) This portion of Kirkland refers to “register[ing] a user ID and password that is used to ensure that the user of these devices is the person that owns the personal on-demand media server and the client devices.” However, this portion of Kirkland does not have anything to do with “distinguishing between an original format of the media content and a non-original format of the media content,” as recited in claim 1.

For at least the foregoing reasons, Applicant respectfully submits that claim 1 is allowable. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

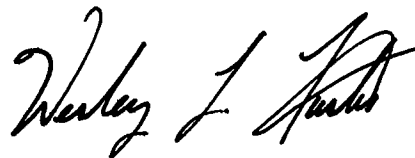
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Reply to Office Action of April 14, 2008

Claims 4-6 and 8 depend from claim 1. Claims 10 and 19 include subject matter that is similar to the subject matter discussed above in relation to claim 1. Claims 13-15 and 17-18 depend from claim 10. Claims 22-24 and 26-27 depend from claim 19. Accordingly, Applicant respectfully requests that the rejection of claims 4-6, 8-10, 13-15, 17-19, 22-24, 26 and 27 be withdrawn for at least the same reasons as those presented above in relation to claim 1.

C. Conclusion

Applicant respectfully asserts that all pending claims are allowable over the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being the most prominent.

/Wesley L. Austin/

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